

**REMARKS**

Claims 1, 3-27, 29-39 and 41 are currently pending in the subject application and are presently under consideration. Claim 41 has been amended herein to depend upon independent claim 1. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments below.

**I. Rejection of Claim 41 Under 35 U.S.C. §101**

Claim 41 stands rejected under 35 U.S.C. §101 as being directed towards non-statutory subject matter. Withdrawal of this rejection is respectfully requested for at least the following reasons. Claim 41 has been amended to depend upon independent claim 1, which is directed towards statutory subject matter. Accordingly, withdrawal of this rejection is respectfully requested.

**II. Rejection of Claims 1, 3-4, 6-13, 15-27, 29-39, and 41 Under 35 U.S.C. §102(e)**

Claims 1, 3-4, 6-13, 15-27, 29-39, and 41 stand rejected under 35 U.S.C. §102(e) as being anticipated by Johnson, *et al.* (US 6,567,805). Withdrawal of this rejection is respectfully requested for at least the following reasons. A 37 C.F.R. §1.131 Declaration has been filed concurrently herewith, wherein such declaration illustrates that the claimed invention was reduced to practice prior to the effective date of Johnson, *et al.* Accordingly, this rejection should be withdrawn.

**III. Rejection of Claim 5 Under 35 U.S.C. §103(a)**

Claim 5 stands rejected under 35 U.S.C. §103(a) as being obvious over Johnson, *et al.* Withdrawal of this rejection is respectfully requested for at least the following reason. As illustrated in the enclosed 37 C.F.R. §1.131 Declaration and corresponding exhibits, the inventors reduced the claimed invention to practice prior to the effective date of Johnson, *et al.* Thus, this rejection should be withdrawn.

**IV. Rejection of Claim 14 Under 35 U.S.C. §103(a)**

Claim 14 stands rejected under 35 U.S.C. §103(a) as being obvious under Johnson *et al.*, in view of Herz, *et al.* (US Patent 5,835,087). Withdrawal of this rejection is respectfully requested for at least the following reasons. Johnson, *et al.* has been antedated by the 37 C.F.R. §1.131 Declaration, and Herz, *et al.* does not teach or suggest each and every element of applicants' invention as claimed. Therefore, it is readily apparent that this rejection should be withdrawn.

**CONCLUSION**

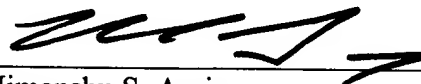
The present application is believed to be condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP166US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114

Telephone (216) 696-8730  
Facsimile (216) 696-8731